

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

THE STATE OF ARKANSAS; THE STATE OF MISSOURI; THE STATE OF IOWA; THE STATE OF NEBRASKA; THE STATE OF NORTH DAKOTA; THE STATE OF SOUTH DAKOTA; A.F., a minor, by Sara Ford, her mother,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF EDUCATION; MIGUEL CARDONA, in his official capacity as Secretary of the United States Department of Education; CATHERINE E. LHAMON, in her official capacity as Assistant Secretary for Civil Rights at the United States Department of Education; RANDOLPH WILLS, in his official capacity as Deputy Assistant Secretary for Enforcement at the United States Department of Education,

Defendants.

Case No.: 4:24-cv-636

MOTION FOR A 5 U.S.C. 705 STAY AND PRELIMINARY INJUNCTION

Under 5 U.S.C. 705, Plaintiffs move for a stay of the Final Rule titled “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.” *See* 89 Fed. Reg. 33,474. In the alternative, Plaintiffs move for a preliminary injunction under Fed. R. Civ. P. 65 to enjoin Defendants from implementing or enforcing that rule. The Final Rule is scheduled for full implementation on August 1, 2024. In support of this motion, Plaintiffs rely on the arguments in the accompanying brief.

Dated: May 21, 2024

Respectfully submitted,

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**Application for admission pending*

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